

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	<u>D E C L A R A T I O N</u>
	:	08 Cr. 576(RPP)
ANTHONY WHITE,	:	
	:	
Defendant.	:	
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I, Anthony White, hereby declare under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am the defendant in this case, and I make this statement in support of a motion to suppress the evidence seized by law enforcement officers from an apartment in which I was an invited overnight guest in violation of my constitutional rights. Because this statement is being made for a limited purpose, I do not set forth every detail of what happened.

2. From time to time, I have stayed at my girlfriend's, Michelle Daise's, apartment at 230 West 129th Street in the Bronx. When I stayed over I had access to all areas in the apartment. I spent the evening of April 30th, 2008 and part of the next day in that apartment.

3. Before Michelle departed for work on May 1st, she left me the door key and asked me to buy some items for her at the grocery store before I departed.

4. I was sleeping when she left for work. During the late afternoon on May 1st, 2008, I was alone in the apartment. I heard loud knocking on the apartment door and knew it was the police. However, I did not respond.

5. Within a short time, the police had knocked off the "peep hole" on the apartment door. When I looked out from the bedroom, a police officer yelled out my name and said they would have the Emergency Service Unit break the door if I did not open it immediately.

6. I then told the officers that I would come out of the apartment, but that the police could not enter the apartment because it was my girlfriend's apartment.

7. When I opened the door, the police pulled me out, placed me in handcuffs and took me downstairs. No gun was found on me when I was arrested. As they removed me, I saw officers, more than four, enter the apartment.

8. I never gave the officers permission to enter Ms. Daise's apartment.

9. I do not live in that apartment, but I am a guest from time to time. My apartment is several blocks away.

10. Based on my conversation with my lawyer, I believe my constitutional rights were violated and the gun seized from the apartment should be suppressed.

WHEREFORE, it is respectfully requested that the firearm be suppressed.

Dated: New York, New York
August 11, 2008

Respectfully submitted,

By: Anthony White
ANTHONY WHITE

TO:

MICHAEL J. GARCIA, ESQ.

United States Attorney
Southern District of New York
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New York, New York 10007

Attn: **MARK D. LANPHER, ESQ.**

Assistant United States Attorney